IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 12646 of 2005

Between:

1 Nallamilli Ammi Reddy S/o. Venkata Reddy
R/o.D.No.7-40, Konkuduru(V), Biccavolu (M) E.G.District.
2 Sathi Satyanarayana Reddy S/o. Venkata Reddy
R/o.D.No.6-68, Konkuduru(V), Biccavolu (M) E.G.District.
3 Nallamilli Gangi Reddy S/o. Veerreddy
R/o.D.No.7-44, Konkuduru(V), Biccavolu (M) E.G.District.
4 Chinta Srinivasa Reddy S/o. Peri Reddy
R/o.D.No.11-10/2, Konkuduru(V), Biccavolu (M) E.G.District.
5 Sathi Uma Maheswara Reddy S/o. Adi Reddy
R/o.D.No.2-126,Gopala Ramanaidupeta, Konkuduru(V),

Biccavolu (M), E.G.District.
6 Kovuri Mula Reddy S/o. Satyanarayana Reddy
R/o.D.No.7-39, Konkuduru(V), Biccavolu (M), E.G.District.

..... PETITIONERS

AND

1 The District Collector
East Godavari at Kakinada.
2 The Gram Panchayat Rep.by its Sarpanch
Konkuduru (V), Biccavolu (M), E.G. District.
3 The Gram Panchayat Rep.by its Upa-Sarpanch
Konkuduru (V), Biccavolu (M), E.G. District.
4 The Gram Panchayat Rep.by its Secretary (in-charge)
Konkuduru (V), Biccavolu (M), E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order, more particularly one in the nature of writ of Mandamus, or any other appropriate writ, declaring the action of the 2nd, 3rd, and 4th respondents, in

trying to bury the one of the natural ponds of Kunkuduru village, Biccavolu Mandal, E.G.District, by way of orally ordering, throwing entire garbage and wastage into the cattle pond (Voora Cheruvu) without there being any valid resolution to that effect, and without there being any authority whatsoever, as illegal, arbitrary and violative of constitutional provisions, apart from being violative of all cannons of Fair Play and Justice and consequently direct the 1st respondent to take suitable action, against the 2nd, 3rd and 4th respondents, immediately, by way of considering the representations dt.03-06-2005 and 06-06-2005 and to pass such other order or orders as the Hon'ble court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.K.GANI REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

ORDER:

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Seeking a direction to the 1st respondent to consider and pass necessary orders on the representations of the petitioners dated 03.06.2005 and 06.06.2005, the present writ petition is filed.

It is stated that the petitioners are the villagers of Konkuduru village of Biccavolu Mandal, East Godavari District and they are eking out their livelihood by doing cultivation in their village, depending upon the irrigation source from the existing three ponds in the village namely

(1) Cattle Tank, (2) Drinking Water Tank and (3) Washermen Tank. It is further

submitted that respondent Nos.2 and 3 gave oral instructions to the 4th respondent to bury one of the pond namely Cattle pond, by dipping the entire garbage and wastage, which is being utilized for the purpose of drinking water to buffalos, cattle and also for the purpose of farming activities in the village. Aggrieved by the action of respondent Nos.2 to 4 in not maintaining the said tank intact, which is in existence since times immemorial, and as they are interested to maintain the said tank, the petitioners made representations to the 1st respondent on 03.06.2005 and 06.06.2005, but the 1st respondent has not taken any action in pursuance of their representations. Hence the petitioners are constrained to approach this Court by filing this writ petition.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Panchayat Raj and Rural Development.

Having regard to the facts and circumstances, as explained by the petitioners, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent to consider the representations of the petitioners dated 03.06.2005 and 06.06.2005 and pass appropriate orders thereon, in accordance with law, after affording opportunity to the petitioners, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 16.06.2005

Dsr

To:

1. The District Collector,

East Godavari at Kakinada

2. The Sarpanch,

Gram Panchayat,

Konkuduru village,

Biccavolu Mandalam,

East Godavari District

3. The Upa-Sarpanch, Gram Panchayat,

Konkuduru village, Biccavolu Mandalam,

East Godavari District

4. The Secretary (incharge),

The Gram Panchayat, Konkuduru village,

Biccavolu Mandalam, East Godavari District

5. Two CCs to the Government Pleader for

Panchayat Raj and Rural Development,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies

7. 1 CC to MR.GANI REDDY